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Citizenship and Nationality Paragon Books 2011

1. We refer to your memorandum of the 19th instant, 1947, which forwarded a copy of [REDACTED] and of an opinion rendered by the Vice Consul in [REDACTED]

E. We have had the situation reviewed here and discussed the problem generally with the Immigration and Naturalization authorities. We feel it is unlikely that the position taken by the Vice Consul and the Immigration authorities used to support it will be accepted by the Department of State or the Immigration and Naturalization authorities. The Department will, however, no doubt answer the Vice Consul, stating its views. The legal people here feel that the statute intended to cover on its face and not subject to re-interpretation. Although they are persuaded by the Vice Consul to think that the Court may be in bad draftsmanship rather than any intent of Congress to have an unfair rule apply to such cases as this one presented.

3. We imagine the Vice Consul has already informed the parent involved, but, for your information, we believe there is a satisfactory solution under a provision of law which will permit the citizen father to return to this country to bring his wife and child in on a non-custodial basis. He may then immediately petition for naturalization of the child, and no declaration of intention or period of residence in the United States is required. This procedure would effect naturalization in short order - at any time prior to the child's eighteenth birthday. The only alternative is the most uncertain hope of an amendment to the law, which would cover the facts as stated in your correspondence.

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